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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,264

04/02/2007

Alex Mashinsky

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EXAMINER

KUDDUS, DANIEL A

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,264	<b>Applicant(s)</b> MASHINSKY, ALEX	
	<b>Examiner</b> DANIEL KUDDUS	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) ☒ Claim(s) 25-38, 40-44 and 46-58 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 25-38, 40-44 and 46-58 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### **Continued Examination under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2012 has been entered.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-38, 40-44 and 46-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel (US 6,256,639 B1) and further in view of Faybishenko et al. (US 2003/0050924 A1), hereinafter Faybishenko.

As for claim 25, Himmel teaches a computer-implemented method for exchanging newly added information over the internet, comprising the steps of: receiving by an information exchange information uploaded from information sources, the information exchange being configured to include a processor for receiving information and a user profile over the Internet, the user profile being provided by a user (see column 6, line 9-14, the browser can be

Art Unit: 2164

**configured so that a newly served bookmark set automatically becomes the active bookmark set in the browser**), receiving and storing by the information exchange a search query as a query in a system database, which is used for retrieving the uploaded information pertaining to the query (**see abstract, a search query from a client containing a set of keywords is received, the stored bookmark sets are searched for one or more bookmark sets associated with at least one keyword matching a keyword from the search query**), continually monitoring by the information exchange to determine whether any newly uploaded information that is responsive to the query stored in the system data database has been added to the information exchange by the information sources (**see column 6, line 22-25, the bookmark set is created at workstation and uploaded to the bookmark set server, column 2, line 57-65, bookmark sets stored in a computer system, column 6, line 66 to column 7, line 2, a newly downloaded bookmark set is made active or accessible by the browser and the user can use the bookmark set to access the included URLs**), determining at the information exchange whether the newly uploaded information from the information sources matches the query; and (**see column 3, line 2-6, a list of bookmark sets which satisfy the query, i.e. are associated with matching keywords, are returned to the client browser**), sending, over the Internet, to the user the matched newly uploaded information (**see column 5, line 24-40, in the internet, a web server accepts a client request and returns a response back to the client...decode a message to get the actual client request**).

Himmel does not explicitly teach the limitation of after storing the query in the system database; previously stored in the system database. Faybishenko teaches the limitation of after storing the query in the system database (see [0013], a search query or search result in response

Art Unit: 2164

to instructions from a consumer or provider, [0162], e.g. the query may be posted to each provider with a timeout value, [0089], e.g. previously registered with hub).

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Himmel by applying the teaching of Faybishenko for search mechanism of the web to perform "deep searches" and "wide searches." "Deep search" may find information embedded in large databases such as product databases (e.g. Amazon.com) or news article databases (e.g. CNN). "Wide searches" may reach a large distribution. Thus provides a benefit to collect queries and provide results with meaningful relevance to a wide variety of information consumers and producers (see Faybishenko, [0007]).

As for claim 26, Himmel in view of Faybishenko teaches further comprising the step of sending the matched newly uploaded information to the user who has indicated an interest in receiving the newly uploaded information (see **Himmel, column 7, line 57-67**).

As for claim 27, Himmel in view of Faybishenko teaches wherein the information exchange and the user are in communication with one of a computing device, server or web agent via a communication network (see **Himmel, column 3, line 34-41**).

As for claim 28, Himmel in view of Faybishenko teaches wherein the user includes a subscriber (see **Himmel, column 2, line 51-52, subscribe to receive automatically updates to a selected bookmark set**).

Art Unit: 2164

As for claim 29, Himmel in view of Faybishenko teaches wherein the information exchange attaches to the matched newly uploaded information additional information including at least one of advertisement, competitive information, and complimentary information from third parties based on the query or the user profile (see **Himmel, column 8, line 42-44, user profile information could be collected as part of starting an account, authorization or subscription process. Given the client identifier, such information can be correlated to the current bookmark set search**).

As for claim 30, Himmel in view of Faybishenko teaches wherein the additional information includes a link to a file or the file for display on a device of the user (see **Himmel, column 5, line 17-23**).

As for claim 31, Himmel in view of Faybishenko teaches wherein when the new uploaded information matches the query, the information exchange activates one of web services, custom application, and notifications (see **Himmel, column 6, line 55-57**).

As for claim 32, Himmel in view of Faybishenko teaches wherein the information exchange indexes and ranks the uploaded information received from the information sources (see **Faybishenko, ¶ [0055]**).

Art Unit: 2164

As for claim 33, Himmel in view of Faybishenko teaches wherein the information exchange aggregates two or more users into one or more interest groups, customer profiles and spending levels for receiving selective notification and pricing of information (**see Himmel, column 10, line 52-55**).

As for claim 34, Himmel in view of Faybishenko teaches further comprises a search engine linked to the information exchange to provide additional query results based on information uploaded from other users (**see Himmel, column 6, line 15-21**).

As for claim 35, Himmel in view of Faybishenko teaches wherein the information exchange creates an internal link and tagging system for all information processed through the information exchange and ranks said information by priority and relevance (**see Himmel, column 6, line 39-43; Faybishenko, ¶ [0055]**).

As for claim 36, Himmel in view of Faybishenko teaches wherein the query is combined with information provided by the user's computing device, web service, or the search engine used including advertisements stored in an ad database (**see Himmel, column 6, line 39-43, column 8, line 11-16**).

Art Unit: 2164

As for claim 37, Himmel in view of Faybishenko teaches wherein the information exchange synchronizes the user's storage device with the newly uploaded information (**see Himmel, column 10, line 9-14**).

As for claim 38, Himmel in view of Faybishenko teaches wherein the information exchange receives a list of the newly uploaded information or changes to the uploaded information (**see Himmel, column 6, line 9-14**).

As for claim 40, Himmel in view of Faybishenko teaches wherein the uploaded information is received by a message logic flow module of the information exchange, which determines the source, content, priority, size, relevance and uniqueness of the uploaded information (**see Faybishenko, ¶ [0055]; Himmel, column 6, line 15-21**).

As for claim 41, Himmel in view of Faybishenko teaches wherein the information exchange validates the user and controls content delivery to the user and administers user preferences and rights to access the uploaded information using a controller (**see Himmel, column 3, line 5-9, a selected bookmark set, the selected bookmark is served to the client. The selected bookmark set is received and used by the client browser to access the set of URLs in the selected bookmark set**).



Art Unit: 2164

As for claim 42, Himmel in view of Faybishenko teaches wherein the information exchange, using a text search and parse engine, conducts searches against a text index and database search entries in an index and counter module (**see Himmel, column 7, line 19-35**).

As for claim 43, Himmel in view of Faybishenko teaches wherein results of the searches are provided to a prioritization engine which uses the query stored in a query directory of the system database to rank the results of the searches (**see Faybishenko, ¶ [0055]**).

As for claim 44, Himmel in view of Faybishenko teaches wherein the prioritization engine forwards the results of the searches to a message engine which packages the search results with advertisements stored in an ad registry of the system database to an internal web-log, email, web agents, communication devices and/or servers (**see Faybishenko, ¶ [0055], see Himmel, column 6, line 4-14**).

As for claim 46, Himmel in view of Faybishenko teaches wherein the advertisements are embedded with codes including at least one of complex tags, links and means for measuring conversion rates and cost per new order (**see Himmel, column 5, line 17-23; see Faybishenko, ¶ [0055]**).

As for claim 47, Himmel in view of Faybishenko teaches further combining the query with information provided by the user's computing device, web service, or search engine used and translating the query into a complex query based on at least one of the user profile, other

Art Unit: 2164

previously entered user information and a ranking of search results for access by the information exchange (see **Faybishenko, ¶ [0055]**, see **Himmel, column 6, line 4-14**).

As for claim 48, Himmel in view of Faybishenko teaches wherein the information source includes another user (see **Himmel, column 10, line 10-14**).

As for claim 49, Himmel in view of Faybishenko teaches wherein the message includes at least one of an alert, a URL link, and a data file (see **Himmel, column 2, line 60-65**).

As for claim 50, Himmel in view of Faybishenko teaches wherein the query is a static query (see **Himmel, column 7, line 1-7**).

As for claim 51, Himmel in view of Faybishenko teaches wherein the matched newly uploaded information is distributed to a computer system (see **Himmel, figure 3**).

As for claim 52, Himmel in view of Faybishenko teaches wherein advertisers use a website and the system database to place bids and contract with the information exchange to deliver specific ads and information to targeted users or subscribers (see **Himmel, column 6, line 18-21**).

Art Unit: 2164

As for claim 53, Himmel in view of Faybishenko teaches wherein the subscriber requests notifications to be sent in a specific format and to one of a computer, cell phone and PDA (see **Himmel, figure 7**).

As for claim 54, Himmel in view of Faybishenko teaches wherein the information sources include one of publishers, news networks, and web services (see **Himmel, figure 7**).

As for claim 55, Himmel in view of Faybishenko teaches wherein advertisers are permitted to bid to effect the order by which the notifications may be sent out (see **Faybishenko, ¶ [0179]**).

As for claim 56, Himmel in view of Faybishenko teaches wherein the information exchange manages for the information sources one of login, security, and validation of subscriber information and processes transactions requiring payments (see **Himmel, column 9, line 24-30**).

As for claim 57, Himmel in view of Faybishenko teaches wherein the information exchange collects statistical and usage information relating to transactions conducted by the information exchange and offers for sale the collected statistical and usage information (see **Himmel, column 6, line 55-61**).

As for claim 58, Himmel in view of Faybishenko teaches wherein the information exchange pays the information sources for the newly uploaded information (see **Himmel, figure 3, column 6, line 55-61**).

### **Response to Arguments**

3. Applicant's remarks and arguments presented on February 21, 2012 have been fully considered. The claims have been rejected under the new ground of rejection. Applicant's arguments are moot in view of the new grounds of rejection presented in this office action.

### **Prior Art**

4. The prior art made of record and not relied upon is considered pertinent to applicants disclosure.

Crandall et al. (US Patent No.: 6,321,228 B1).

Roth et al. (US Pub No.: 2002/0029186 A1).

### **Conclusion**

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Daniel A Kuddus whose telephone number is (571) 270-1722. The examiner can normally be reached on Monday to Thursday 8.00 a.m.-5.30 p.m. The examiner can also be reached on alternate Fridays from 8.00 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or processing is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the

Art Unit: 2164

either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/dk/  
Daniel Kuddus

Date: 03/09/12

**/BELIX M. ORTIZ/**

**Primary Examiner, Art Unit 2164**